

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

CONTROL NEW MLSS LLC	)	
and EDWARD WEINHAUS,	)	
	)	Case No. 4:21-cv-01522-CDP
Plaintiffs	)	
v.	)	Hon. Catherine D. Perry
	)	
BRIAN TIMPONE, et al.,	)	
	)	
Defendants.	)	

**MOTION OF SOUTHERN CB, LLC TO DISMISS**

Southern CB, LLC (“Southern CB”) by its attorneys, moves the Court pursuant to Rule 12(b) of the Federal Rules of Civil Procedure to dismiss the First Amended Complaint as to Southern for the following reasons:

1. Service of process on Southern CB by certified mail to the Missouri Secretary of State was insufficient. F.R.C.P. 12(b)(4) and F.R.C.P. 12(b)(5).
2. Plaintiffs lack standing under the Missouri Uniform Fraudulent Transfer Act because they are not “creditors” under the Act.
3. The First Amended Complaint fails to state a claim upon which relief can be granted against Southern CB. F.R.C.P. 12(b)(6).

In support of this motion, Southern CB incorporates by reference the Memorandum of Southern CB in Support of Its Motion to Dismiss, filed contemporaneously with this motion.

Respectfully submitted,

**LITCHFIELD CAVO LLP**

By: /s/ Alan I. Becker

One of the Attorneys for Defendants Andrew McKenna, DirecTech, LLC f/k/a Newsinator LLC and Southern CB, LLC

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*Admitted Pro Hac Vice*

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 27, 2022, I filed the Motion of Southern CB, LLC to Dismiss *via* the Eastern District of Missouri CM/ECF. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic CM/ECF system.

/s/ Alan I. Becker